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Clerk, U.S. District Court
District Of Montana
Great Falls

**ATTORNEYS FOR PLAINTIFF
UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAMON ALEXANDER WAHL,

Defendant.

CR 22-58 -M- DWM

INDICTMENT

WIRE FRAUD (Counts 1-2)

Title 18 U.S.C. § 1343

**(Penalty: 20 years of imprisonment,
\$250,000 fine, and three years of supervised
release)**

MONEY LAUNDERING (Counts 3-7)

Title 18 U.S.C. § 1957

**(Penalty: Ten years of imprisonment,
\$250,000 fine, and three years of supervised
release)**

CRIMINAL FORFEITURE

**Title 18 U.S.C. §§ 981(a)(1)(C) and
982(a)(1), and Title 28 U.S.C. § 2461(c)**

THE GRAND JURY CHARGES:

INTRODUCTION

At all times relevant to this indictment:

1. In March 2020, Congress passed the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) to provide emergency financial assistance to the millions of Americans suffering adverse economic effects caused by the COVID-19 pandemic.
2. The CARES Act authorized the United States Small Business Administration (“SBA”) to provide loans via the Economic Injury Disaster Loan program (“EIDL”). EIDL loans were intended to provide economic relief to small businesses and nonprofit organizations that experienced a temporary loss of revenue during the pandemic.
3. As part of the EIDL process, business owners were required to submit an application that provided information about the number of employees, gross revenue during the 12 months preceding the pandemic, and the cost of goods sold during that same period. The amount of the loan was determined based on those numbers and the business owners were required to certify that the information they provided was true and correct to the best of their knowledge.
4. Also as part of the EIDL process, business owners were required to certify under penalty of perjury that they would use the loan proceeds solely as

“working capital,” that is, for business operating expenses such as payroll, rent and mortgage payments, utilities, and to pay business debt incurred at any time before or after the loan was received.

WIRE FRAUD
COUNTS 1 and 2

THE SCHEME TO DEFRAUD

Beginning on or about April 3, 2020, and continuing until on or about July 8, 2021, at Clinton, in Missoula County, in the State and District of Montana, and elsewhere, the defendant, DAMON ALEXANDER WAHL, on behalf of Wahls Roofing LLC, with the intent to defraud, knowingly devised a scheme and plan for obtaining money by means of material false and fraudulent pretenses, representations, promises, and omissions, and in doing so caused wire communications to be transmitted in interstate commerce.

To execute the scheme, the defendant, DAMON ALEXANDER WAHL, falsely certified to the SBA that EIDL loan proceeds he applied for and received would be used as working capital for his business, when, in fact, he intended to use, and did use, the loan proceeds for his personal benefit.

INTERSTATE WIRES

COUNT 1

On or about July 3, 2021, in Missoula County, in the State and District of Montana, the defendant, DAMON ALEXANDER WAHL, for the purpose of

executing the aforementioned scheme, knowingly caused to be transmitted in interstate commerce a wire communication between Montana and Iowa.

Specifically, Wahl electronically signed a Loan Authorization and Agreement in connection with his receipt of an EIDL loan for \$405,300, and certified under penalty of perjury that he would use the EIDL proceeds “solely as working capital to alleviate the economic injury caused by disaster,” all in in violation of 18 U.S.C. § 1343.

COUNT 2

On or about July 8, 2021, at Helena, in Lewis and Clark County, in the State and District of Montana, the defendant, DAMON ALEXANDER WAHL, for the purpose of executing the aforementioned scheme, knowingly caused to be transmitted in interstate commerce a wire communication between Montana and other states. Specifically, the SBA in Colorado initiated an electronic payment of \$405,300 to Wahl’s Opportunity Bank account in Montana, which funds represented the EIDL proceeds referenced above, all in violation of 18 U.S.C. § 1343.

MONEY LAUNDERING COUNTS 3-7

COUNT 3

On or about July 12, 2021, at Missoula, in Missoula County, in the State and District of Montana, the defendant, DAMON ALEXANDER WAHL, knowingly

engaged in a monetary transaction by, through, and to a financial institution, with criminally derived property of a value greater than \$10,000, affecting interstate and foreign commerce. Specifically, he purchased a cashier's check for \$60,000, drawn on his Opportunity Bank account, the account number ending in 9633, and used the money to pay back taxes and a loan payment for a property not related to his roofing business, such money having been derived from specified unlawful activity, that is wire fraud as described in counts 1 and 2, in violation of 18 U.S.C. § 1957.

COUNT 4

On or about July 16, 2021, at Missoula, in Missoula County, in the State and District of Montana, the defendant, DAMON ALEXANDER WAHL, knowingly engaged in a monetary transaction by, through, and to a financial institution, with criminally derived property of a value greater than \$10,000, affecting interstate and foreign commerce. Specifically, he withdrew \$15,000 in cash from his Opportunity Bank account and used \$13,900 of that money to buy a 2013 Polaris ATV, such money having been derived from specified unlawful activity, that is wire fraud as described in counts 1 and 2, in violation of 18 U.S.C. § 1957.

COUNT 5

On or about July 31, 2021, at Missoula, in Missoula County, in the State and District of Montana, the defendant, DAMON ALEXANDER WAHL, knowingly

engaged in a monetary transaction by, through, and to a financial institution, with criminally derived property of a value greater than \$10,000, affecting interstate and foreign commerce. Specifically, he provided a check in the amount of \$21,060.09, drawn on his Opportunity Bank account, to Grizzly Harley-Davidson for the purchase of a 2021 Harley-Davidson motorcycle, such money having been derived from specified unlawful activity, that is wire fraud as described in counts 1 and 2, in violation of 18 U.S.C. § 1957.

COUNT 6

On or about August 4, 2021, at Missoula, in Missoula County, in the State and District of Montana, the defendant, DAMON ALEXANDER WAHL, knowingly engaged in a monetary transaction by, through, and to a financial institution, with criminally derived property of a value greater than \$10,000, affecting interstate and foreign commerce. Specifically, he withdrew \$15,000 in cash from his Opportunity Bank account and used \$14,700 to purchase a 2018 Hideout camper, such money having been derived from specified unlawful activity, that is wire fraud as described in counts 1 and 2, in violation of 18 U.S.C. § 1957.

COUNT 7

On or about August 4, 2021, at Missoula, in Missoula County, in the State and District of Montana, the defendant, DAMON ALEXANDER WAHL,

knowingly engaged in a monetary transaction by, through, and to a financial institution, with criminally derived property of a value greater than \$10,000, affecting interstate and foreign commerce. Specifically, he withdrew \$15,000 in cash from his Opportunity Bank account, such money having been derived from specified unlawful activity, that is wire fraud as described in counts 1 and 2, in violation of 18 U.S.C. § 1957.

FORFEITURE

Upon conviction of either of the wire fraud offenses set forth in counts 1 and 2 of this indictment, the defendant, DAMON ALEXANDER WAHL, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, that constitutes or is derived from proceeds traceable to the offense.

Upon conviction of the money laundering offenses set forth in counts 3 through 7 of this indictment, the defendant, DAMON ALEXANDER WAHL, shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(1), all right, title, and interest in property, real and personal, involved in said violations, or any property traceable to such property.

The property to be forfeited includes, but is not limited to, the following:

- a 2021 Harley-Davidson motorcycle, model FLSL Softail Slim, bearing Vehicle Identification Number 1HD1YDJ11MB052273;

- a 2018 Hideout Camper Trailer, bearing Vehicle Identification Number 4YDT26R28JN248254; and
- a 2013 Polaris RZR 4 800 EPS all-terrain vehicle, bearing Vehicle Identification Number 4XAXE7EA6DF250038.


The United States of America, pursuant to 21 U.S.C. § 853(p), shall be entitled to forfeiture of substitute property if any of the property that is subject to forfeiture:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty.

A TRUE BILL.

Foreperson signature redacted. Original document filed under seal.

FOREPERSON //



JESSE A. LASLOVICH
United States Attorney



CYNDEE L. PETERSON
Criminal Chief Assistant U.S. Attorney